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8 Attorneys for Plaintiff

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 SAN FRANCISCO DIVISION

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 CHAY TO

16 Defendant.  
17

No. CR- 03-0004 WWS

VIOLATIONS: 21 U.S.C. 21 U.S.C.  
841(a)(1) – Distribution of  
Methamphetamine; Possession of  
Methamphetamine with Intent to  
Distribute; Possession of Cocaine with  
Intent to Distribute; Possession of  
Marijuana with Intent to Distribute; 18  
U.S.C. §2- Aiding and Abetting; 18  
U.S.C. § 924(c)- Possession of Firearm  
in Furtherance of a Drug Crime; 18  
U.S.C. §922 (j)- Possession of a Stolen  
Firearm

20 SAN FRANCISCO VENUE

21  
22 SECOND SUPERSEDING INDICTMENT

23 The Grand Jury charges:

24 COUNT ONE: (21 U.S.C. §§ 841(a)(1); 841(b)(1)(C); 18 U.S.C. §2 )

25 1. On or about November 20, 2002, in the Northern District of California, the  
26 defendant

27 CHAY TO

28 did knowingly and intentionally distribute a Schedule II controlled substance, to wit: 2.01

SECOND SUPERSEDING INDICTMENT 1

1 grams of methamphetamine, in violation of Title 21, United States Code, Sections  
2 841(a)(1), (b)(1)(C), and Title 18, United States Code, Section 2.

3  
4 COUNT TWO: (21 U.S.C. §§ 841(a)(1); 841(b)(1)(A)(viii); 18 U.S.C. §2 )

5 1. On or about December 3, 2002 in the Northern District of California, the  
6 defendant

7 CHAY TO

8 did knowingly and intentionally possess with intent to distribute a Schedule II controlled  
9 substance, to wit: 50 grams or more of methamphetamine, in violation of Title 21, United  
10 States Code, Sections 841(a)(1), (b)(1)(A)(viii), and Title 18, United States Code, Section  
11 2.

12  
13 COUNT THREE: (21 U.S.C. §§ 841(a)(1); 841(b)(1)(B)(viii); 18 U.S.C. §2 )

14 1. On or about December 3, 2002 in the Northern District of California, the  
15 defendant

16 CHAY TO

17 did knowingly and intentionally possess with intent to distribute a Schedule II controlled  
18 substance, to wit: 50 grams or more of a mixture or substance containing a detectable  
19 amount of methamphetamine, in violation of Title 21, United States Code, Sections  
20 841(a)(1), (b)(1)(B)(viii), and Title 18, United States Code, Section 2.

21  
22 COUNT FOUR: (21 U.S.C. §§ 841(a)(1); 841(b)(1)(C); 18 U.S.C. §2 )

23 1. On or about December 3, 2002 in the Northern District of California, the  
24 defendant

25 CHAY TO

26 did knowingly and intentionally possess with intent to distribute a Schedule II controlled  
27 substance, to wit: 50 grams or more of cocaine, in violation of Title 21, United States  
28 Code, Sections 841(a)(1), (b)(1)(C), and Title 18, United States Code, Section 2.

1 COUNT FIVE: (21 U.S.C. §§ 841(a)(1); 841(b)(1)(C); 18 U.S.C. §2 )

2 1. On or about December 3, 2002 in the Northern District of California, the  
3 defendant

4 CHAY TO

5 did knowingly and intentionally possess with intent to distribute a Schedule I controlled  
6 substance, to wit: 100 grams or more of marijuana, in violation of Title 21, United States  
7 Code, Sections 841(a)(1), (b)(1)(C), and Title 18 United States Code, Section 2.

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9 COUNT SIX: (18 U.S.C. 924 (c)(1)(A))

10 On or about December 3, 2002, in the Northern District of California, the  
11 defendant

12 CHAY TO

13 did knowingly possess a firearm in furtherance of the crime of possession of controlled  
14 substances with intent to distribute charged in Counts Two-Five herein, to wit:

15 a .38 Smith and Wesson handgun, serial number J932769;

16 a .357 Blackhawk handgun, serial number 30-0947;

17 a 7mm Interarms rifle, serial number A 33308V;

18 in violation of Title 18, United States Code, Section 924(c)(1)(A)(i).

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1 COUNT SEVEN: (18 U.S.C. §922(j)):

2 On or about December 3, 2002, in the Northern District of California, the defendant  
3 CHAY TO  
4 did receive, possess, conceal, and store a stolen firearm, to wit: a Smith and Wesson .38  
5 caliber handgun, serial number J932769, which had been shipped and transported in  
6 interstate and foreign commerce, knowing and having reasonable cause to believe that the  
7 firearm had been stolen; in violation of Title 18, United States Code, Section 922(j).

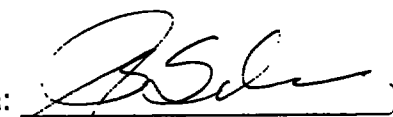
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9  
10 DATED:

A TRUE BILL.

11  
12 FOREPERSON \_\_\_\_\_

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14 KEVIN V. RYAN  
United States Attorney

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16 EUMIL L. CHOI  
Chief, Criminal Division

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18 (Approved as to form: )

19 AUSA Silano  
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